



October 13, 2022

The Honorable Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Dear Secretary Cardona,

We write regarding recent troubling reports that numerous federally funded institutions of higher education from across the country used unconstitutional race and sex diversity quotas when nominating students for a graduate fellowship with Google, among other programs.¹

It appears that since 2019 the Google Ph.D. Fellowship prohibited² U.S. universities from nominating more than two students per year who do not “self-identify as a woman, Black / African descent, Hispanic / Latino / Latinx, Indigenous, and/or a person with a disability.”³ Google Research trumpeted this discriminatory requirement on its public website for years,⁴ claiming it is “in order to increase opportunities for students who are underrepresented in the field of computing.” Following recent press coverage, Google Research scrubbed the requirement from their website, which now states it is “strongly encouraged” that universities nominate “students with diverse backgrounds especially those from historically marginalized groups.”⁵

U.S. universities are each allowed to nominate four students annually for the Google Ph.D. Fellowship, which awards accepted students a fully funded fellowship for up to three years. Google gives funds directly to the fellows’ universities, covering their tuition and fees plus a stipend to be used for living expenses, travel and personal equipment. Student fellows also receive a Google Research mentor, providing them with professional development, a coveted opportunity among aspiring computer scientists.

Any federally funded university that changed their nominating criteria to meet Google’s discriminatory and harmful rules unjustly stripped hard-working and talented students of the opportunity to even be considered for one of the most valuable fellowships in the STEM world, solely because of their race, sex, or disability status.

Complying with the Google Ph.D. Fellowship’s original prejudicial quotas flies in the face of Title VI of the 1964 Civil Rights Act, which bars universities receiving federal funds from discriminating against their students based on race. Title VI stipulates that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. 2000d *et seq.*).⁶

¹ <https://freebeacon.com/campus/google-partners-with-top-universities-for-this-prestigious-fellowship-lawyers-say-the-racial-and-gender-quotas-its-imposing-are-illegal/>

² <https://web.archive.org/web/20220922131622/https://viterbigrad.usc.edu/2019/10/google-phd-fellowship-program-for-north-america/>

³ <https://web.archive.org/web/20200403103423/https://research.google/outreach/faq/?category=phd>

⁴ Ibid.

⁵ <https://research.google/outreach/faq/?category=phd>

⁶ <https://www.law.cornell.edu/uscode/text/42/2000d>

The Google Ph.D. Fellowship's diversity quota requirement also raises questions about participating universities' compliance with Title IX of the Education Amendments of 1972, which prohibits "discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution."⁷

As Congress works to increase opportunities for skilled American students and invests in domestic STEM talent, it is essential that we understand the full extent of federally funded universities' participation in the Google Ph.D. Fellowship's racially discriminatory diversity quotas. Universities' participation in other programs that appear to have used similar discriminatory nomination criteria, such as the Microsoft Research Ph.D. Fellowship and IBM's Ph.D. Fellowship Rewards Program, is also deeply concerning.⁸ The American people deserve answers and transparency, and every gifted STEM student at a taxpayer-funded university deserves a level playing field.

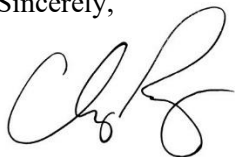
We urge you to immediately launch a formal investigation into any and all federally funded U.S. universities that nominated students for the Google Ph.D. Fellowship since April 2020, probing their use of unconstitutional diversity quotas in the nomination process.

Please provide written answers to the following questions by October 27, 2022:

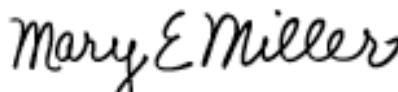
1. Was the Department of Education (ED) aware of the Google Ph.D. Fellowship requiring U.S. universities to use strict diversity quotas when nominating students for the fellowship, before receiving this letter? If so, for how long?
2. Does ED believe a federally funded university abiding by the diversity quotas outlined in the Google Ph.D. Fellowship's previous nomination rules violated Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d § *et seq.*) and/or Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*)?
 - a. If not, please provide legal justification why.
 - b. If so, does ED intend to investigate federally funded U.S. universities that nominated students for the Google Ph.D. Fellowship? Please provide a full list of the universities to be investigated and a timeline of the investigation process.
3. Is ED willing to take all necessary steps to hold universities that used the Google Ph.D. Fellowship's discriminatory diversity quotas accountable for unconstitutional behavior, up to and including withholding federal funds?
4. Will ED commit to reviewing the fellowship and scholarship nomination policies of any federally funded university that nominated students for the Google Ph.D. Fellowship, and investigate if it has used diversity quotas based on race, sex, or disability status when nominating students for other valuable opportunities?

Thank you for your attention to this important matter.

Sincerely,



Chip Roy
Member of Congress



Mary E. Miller
Member of Congress



Bob Good
Member of Congress

⁷ 45 CFR §86.1 (<https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-86>)

⁸ <https://freebeacon.com/campus/a-microsoft-fellowship-caps-the-number-of-white-and-asian-applicants-lawyers-say-thats-illegal/>